UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.182/L.79
14 March 1994

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON
THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION
7-25 March 1994

IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS RELATED TO ASSISTANCE TO THIRD STATES AFFECTED BY THE APPLICATION OF SANCTIONS UNDER CHAPTER VII OF THE CHARTER

Working paper submitted by Bulgaria, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Jordan, Mozambique, Nicaragua, Nigeria, Panama, Paraguay, Poland, Republic of Moldova, Romania, Uganda, Ukraine, Uruguay and Zambia

The General Assembly,

Recognizing that the imposition of sanctions against a State under Chapter VII of the Charter of the United Nations may require the joint efforts of Member States to offer assistance to third States economically affected by the sanctions,

Recalling Article 49 of the Charter of the United Nations, which spells out the obligation of the Member States to join in affording mutual assistance in carrying out measures decided upon by the Security Council in conformity with Chapter VII of the Charter,

Recalling also the special responsibility of the Security Council under Article 50 of the Charter, which entitles States which find themselves confronted with special economic problems as a result of the carrying out of preventive or enforcement measures taken by the Security Council against any other State to consult the Security Council with regard to a solution of those problems,

Recalling further its resolution 48/210 of 21 December 1993, entitled "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)",

Welcoming the recommendation of the Secretary-General in his report entitled "An Agenda for Peace" (A/47/277-S/24111) that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that can be put in place to insulate States from such difficulties; such measures would be a matter of equity and a means of encouraging States to cooperate with decisions of the Council,

Recognizing that providing assistance to third States affected by the application of sanctions would be an important step in maintaining the effectiveness of sanctions collectively decided by the international community,

Recalling:

(a) That the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

(b) Its resolution 47/120 of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", in which it decided to continue early in 1993 its examination of other recommendations contained in the report of the Secretary-General entitled "An Agenda for Peace", including implementation of the provisions of Article 50 of the Charter of the United Nations,

(c) The statement made by the President of the Security Council (S/25036), in which the Security Council expressed its determination to consider this matter further,

Recalling also its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV, "Special economic problems arising from the implementation of preventive or enforcement measures",

Taking note with appreciation of the report of the Secretary-General prepared pursuant to the note by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter of the United Nations (A/48/573),

Recognizing that third States are still confronted with adverse economic and social problems owing to the imposition of sanctions under Chapter VII,

Recognizing also the need for an appropriate mechanism and procedures to address these problems,

1. Decides to establish a trust fund, consistent with relevant resolutions of the Security Council, to assist financially third States affected

by the imposition of sanctions under Chapter VII; contributions to the fund shall consist of:

(a) A percentage of assessed contributions;

(b) Voluntary contributions from Member States, and from funds available to international organizations both inside and outside the United Nations system, in particular the international financial institutions and the regional development banks, as well as non-governmental organizations and private institutions and individuals;

2. Invites the Security Council:

(a) To determine the level of the Trust Fund for each particular case of the imposition of sanctions under Chapter VII of the Charter (on a case-by-case basis), in accordance with the submissions made by the affected Member States;

(b) To manage and operate the Trust Fund where appropriate in consultation with the Secretary-General, or any other body deemed appropriate by the Security Council for this purpose, and the affected Member States should be able to approach this body without any exception for redressal of their problems;

3. Requests the Security Council to ensure that its committees and other bodies entrusted with the task of monitoring the implementation of sanctions take into account, in discharging their mandates, the need to avoid hardship consequences for other Member States without prejudice to the effectiveness of such sanctions;

4. Invites the Secretary-General to prepare draft guidelines on the operation of the Trust Fund and to present these guidelines to the Security Council for further consideration and adoption;

5. Resources from the Trust Fund should be utilized to provide direct financial assistance, inter alia, through bilateral or multilateral credit lines, as well as to finance technical cooperation programmes in support of the affected countries, in the context of article 50;

6. All other types of support, including direct assistance in cash or in kind, provision of alternative sources of supply and alternative markets, specific commodity purchase agreements, compensatory adjustments of international tariffs, assistance for promotion of investments and technical cooperation to the affected countries, should be encouraged;

7. Requests the Security Council to consider preparing a set of guidelines and/or procedure to be applied in the consideration of the applications by the affected countries for assistance, in the context of Article 50. The guidelines may include, inter alia:

(a) The right to approach the Security Council for assistance;

(b) Consideration, without exception and undue delay, of all applications for assistance under Article 50;

(c) Rendering non-preferential and fair treatment to all applications;

(d) Inviting the affected Member States to its meetings and to the meetings of its subsidiary bodies;

(e) Procedure and methodology for determining and evaluating losses as a result of the imposition of sanctions;

8. Also requests the Security Council to consider the establishment of a permanent mechanism for consultations between the Council and those Member States most likely to be affected as a result of their implementation of Security Council resolutions imposing sanctions;

9. Requests the Secretary-General to report on a regular basis on the implementation of the present resolution.